

REMARKS

The office action of February 7, 2006, has been carefully considered.

It is noted that claims 7-11 are rejected under 35 U.S.C. 112, second paragraph.

Claims 8-11 are rejected under 35 U.S.C. 101.

Claims 1-7 are further rejected under 35 U.S.C. 102(b) over the reference to Young et al.

In view of the Examiner's rejections of the claims, applicant has canceled claims 8-11, amended claim 7 and added new claims 12-15.

It is respectfully submitted that the claims now on file particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended the claims to address the instances of indefiniteness cited by the Examiner.

In view of these considerations it is respectfully submitted that the rejection of claims 7-11 under 35 U.S.C. 112, second paragraph is overcome and should be withdrawn.

Furthermore, it is respectfully submitted that the rejection of claims 8-11 under 35 U.S.C. 101 is not tenable with respect to the claims presently on file.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions and methods disclosed in the reference.

Turning now to the reference, it can be seen Young et al. disclose edible products. These edible products have a certain caloric content and thus do not lead to a weight reduction. When one looks to the examples of Young et al., fruit pulp, which itself already has a high sugar content, is mixed with sugar and encapsulated. When one considers such an encapsulated product one cannot speak of a satiety effect since sugar containing products work opposite thereto and generally increase appetite.

In contrast, in the presently claimed invention the anionic

polymer is not provided for encapsulation, but instead forms on itself the inventive agent. This agent can, if desired, be encapsulated. The inventive product can also be compressed, as discussed in the paragraph beginning on line 8 of page 10, which with the product of Young et al. is not possible since the product would burst.

It is believed apparent that the presently claimed invention and Young et al. have completely different objectives.

Most important, in the presently claimed invention the anionic polymer is not used for encapsulation of other materials. This is not disclosed by Young et al.

The Examiner's position that the Young et al.'s composition would inherently provide satiety effect and weight loss finds no support in the teachings of Young et al. Furthermore, the encapsulation of Young et al. is different from the presently claimed invention. Young et al. provide a "tough skin" or "skin of calcium" so that when chewed the product simulates real fruit (see page 1, line 12). Thus, Young et al. do not disclose a product that can be compressed as can the presently claimed invention.

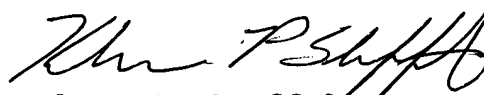
In view of these considerations it is respectfully submitted that the rejection of claims 1-7 under 35 U.S.C. 102(b) over the above-discussed reference is overcome and should be withdrawn.

Two additional independent claims are presented. A credit card payment form containing the fee of \$200 for the additional independent claims is enclosed.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on August 7, 2006.

By: 
Klaus P. Stoffel

Date: August 7, 2006